

opportunity for comment on the interim rule.

Mariners opting for the Radar-Operation courses in lieu of radar-observer courses approved by the Coast Guard may renew or upgrade their licenses (to be issued before June 1, 1995) before completing Radar-Operation courses. Upon completion of such courses they must hold the courses' certificates with their licenses.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rule relieves a potential regulatory burden by providing additional time for persons subject to the rule to obtain required training. It does not significantly change the regulatory evaluation contained in the interim rule published October 26, 1994 (59 FR 53754).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

This rule relieves a potential regulatory burden by providing additional time for persons subject to the rule to obtain required training, and should have no economic impact on small entities. As discussed in the interim rule, the Coast Guard expects that the burdens of complying with the interim rule will fall on individuals, rather than on small entities. This change may provide any affected small entities with additional flexibility in scheduling required training and result in some economic benefit. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. If,

however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This rule contains no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This rule is an administrative matter involving personnel training and licensing and clearly has no environmental impact. A "Categorical Exclusion Determination" is available in the docket for inspection or copying here indicated under ADDRESSES.

List of Subjects in 46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons set forth in the preamble, the Coast Guard amends 46 CFR part 15 as follows:

PART 15—MANNING REQUIREMENTS

1. The citation of authority for part 15 continues to read as follows:

Authority: 46 U.S.C. 2103, 3703, 8502; 49 CFR 1.45, 1.46.

§ 15.815 [Amended]

2. In § 15.815, paragraph (c) is revised to read as follows:

* * * * *

(c) On or after June 1, 1995, each person having to be licensed under 46 U.S.C. 8904(a) for employment or service as master, mate, or operator on board an uninspected towing vessel of 8 meters (approximately 26 feet) or more in length shall, if the vessel is equipped with radar, hold—

(1) A valid endorsement as radar observer; or,

(2) If the person holds a valid license dated before June 1, 1995, a valid certificate from a Radar-Operation course.

Dated: February 2, 1995.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[GEN Docket No. 90-357; FCC 95-17]

New Digital Audio Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action the Commission amends its rules regarding frequency allocation to allocate spectrum in the 2310-2360 MHz band for new satellite digital audio radio services (DARS). This action will bring about a new service, which will provide enhanced quality of reception and increased program diversity to all markets nationwide.

EFFECTIVE DATE: March 16, 1995.

FOR FURTHER INFORMATION CONTACT: Lynn L. Remly, Office of Engineering and Technology, at (202) 776-1623.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in GEN Docket No. 90-357, adopted January 12, 1995 and released January 18, 1995. By this action, the Commission amends its Rules with regard to the establishment and regulation of new satellite digital audio radio services. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554. The full text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street N.W., Washington, D.C. 20037.

Summary of Order

1. In 1990, three parties requested the Commission to allocate spectrum or otherwise authorize the provision of digital audio radio services. On May 18, 1990, Satellite CD Radio, Inc. (SCDR) filed a Petition for Rule Making in which it requested spectrum to offer a compact disk quality digital audio radio